

The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists

May 30, 2007

10:00 a.m.

A meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted Wednesday, May 30, 2007 at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601.

Members Present

Cheryl Bentley, Board Chair
Jane Faith, Secretary
Karen Gilliam
Erin Eliassen

Occupations and Professions

Carolyn Jones, Board Administrator
Claude Wagner, Occupations and Professions

Office of the Attorney General

Scott Porter, Board Attorney

Members Absent

Toni Rodgers

Others in Attendance

Gayla Hawks – St. Luke Hospital
Dennis Frank – Max Muscle Sports Nutrition

Call to Order

Ms. Bentley called the meeting to order at 10:15 a.m.

Approval of Minutes

Ms. Faith made a motion to approve the minutes, from the February 28, 2007 meeting, with amendments. Ms. Gilliam seconded the motion. The motion carried.

Approval of Financial Statement

Following review of the financial statement Ms. Faith asked what \$50 penalty was on. Mr. Wagner said that he would ask the fiscal office and report back to the Board at their next meeting. Ms. Eliassen made a motion to approve the financial statement as submitted. Ms. Faith seconded the motion. The motion carried.

Director's Report

Mr. Wagner reported that he was working on year end fiscal matters. He also advised the Board that he was working on an administrative fee structure formula but that he had no issues or concerns for this board.

He also told Board members that the FileNet system was now operational and that there was one part-time employee working on the back file conversion project. A summer intern has been employed to assist with that. Mr. Wagner stated that appropriate measures to ensure the information remained secure had been taken. He said that no board or board administrator would be forced to use the system but that he encouraged everyone to at least try it to see if it would be an asset for them.

Old Business

A representative from St. Luke Hospital had been invited to attend in order to address some concerns the Board had with regard to an aerobic/weight management course being taught there. Ms. Gayla Hawks gave the Board a brief overview of what this program offered and the Board was given an opportunity to ask Ms. Hawks questions. A motion was made by Ms. Faith to go into executive session at 10:45 a.m. pursuant to KRS 61.810 (1) (c) to discuss matters of potential litigation. Ms. Gilliam seconded the motion. The motion carried.

A motion was made by Ms. Gilliam at 11:00 a.m. to come out of executive session. Ms. Faith seconded the motion. The motion carried. The Board determined that the program was not in violation of the laws regulating this profession and told Ms. Hawks that an advisory memorandum would be issued by the board and would be sent to Ms. Hawks, as well as her supervisor, Neil Laughbaum.

Mr. Dennis Frank, owner of Max Muscle Sports Nutrition in Lexington, Kentucky attended the Board meeting to address concerns the Board had with regard to a complaint that had been filed against him. Mr. Frank gave the Board a brief overview explaining the nature of his business and the Board was given an opportunity to ask Mr. Frank questions. A motion was made by Ms. Eliassen to go into executive session at 11:30 a.m. pursuant to KRS 61.810 (1) (c) to discuss matters of potential litigation. Ms. Gilliam seconded the motion. The motion carried.

A motion was made by Ms. Faith at 11:40 a.m. to come out of executive session. Ms. Gilliam seconded the motion. The motion carried. The Board determined that Mr. Frank was not in violation of the laws regulating this profession and informed him that an advisory memorandum would be issued by the Board.

Ms. Bentley brought forth for discussion the fact that there had been a lot of confusion with regard to the recently revised regulation on continuing education. Following a rather lengthy discussion, it was decided that the dialogue would continue at the July meeting and that it was important that a decision be made at that time as to whether or not the regulation needed to be revised in any way. Ms. Faith made a motion that a policy statement be sent to all licensees' explaining the Board's position with regard to programs that have been previously approved by the Commission on Dietetic Regulation. Ms. Gilliam seconded the motion. The motion carried.

The Board reviewed an appeal to their decision to deny continuing education credit to Ms. Rita Bailey for the program "Managing Difficult People." Following further review, Ms. Eliassen made a motion that the Board stand by their earlier decision to deny this program based upon the fact that it did not meet the criteria set forth in 201 KAR 33:030 Section 2 (2)(2) and that the Board Administrator send Ms. Bailey a letter. Ms. Gilliam seconded the motion the motion carried.

The Board reviewed an appeal to their decision to deny the reinstatement application of Dr. Mary A. Whitlock Stoddard. Dr. Stoddard's application had been denied at the March 28, 2007 Board meeting based upon the fact that they were only able to accept 1.5 continuing education hours as submitted and Dr. Stoddard needed 90 hours of continuing education to be reinstated. Following further review, Ms. Gilliam made a motion that the Board stand by their earlier decision to deny reinstatement based upon the fact that the hours submitted didn't meet the criteria set forth in 201 KAR 33:030 Section 2 (2)(2) and that the Board Administrator send Dr. Stoddard a letter. Ms. Eliassen seconded the motion. The motion carried.

At the March Board meeting, Ms. Bentley had appointed a subcommittee to research and recommend regulations that would establish criteria to identify and define acceptable academic programs for certified nutritionists, based upon a proposal from Dr. Geza Bruckner at UK. Ms. Eliassen and Ms. Rodgers had agreed to serve. Ms. Eliassen did not have a report for the Board and stated that she would contact Ms. Rodgers and have a report at the July meeting.

Ms. Faith had agreed at the March meeting to send correspondence to the KDA asking for their input with regard to doing away with the pocket licensure identification cards. She indicated that she had not been able to complete that task and that she intended to have an answer for the Board at the July meeting.

New Business

Email correspondence from Dorothy Galatz, Susan Williams, Beverly Kastan, and Peggy White was reviewed. They were each asking for clarification of the continuing education regulation. The Board Administrator was asked to respond to each explaining that if CDR has approved a program AND it meets the criteria for subject matter as set forth in 201 KAR 33:030 Section 2 (2) (2) that the Board will also accept it.

Email correspondence from Sylvia Moore was reviewed. Ms. Moore had asked several questions with regard to submitting her ADA log for review. It was agreed that the Board Administrator would contact Ms. Moore by phone as her questions were not clear. Should written clarification be necessary following the phone call the Board Administrator was asked to follow-up in writing to Ms. Moore.

Ms. Faith made a motion for the Board to purchase a plaque for outgoing Board member Margaret Curtis in appreciation for her service to the Board. Ms. Gilliam seconded the motion. The motion carried.

Continuing Education Requests

Ms. Faith made a motion that the following continuing education program(s) and hours be **approved**:

- ESRD Annual Update and ANNA Symposium – approved for 2.75 hours for Mickie Hudson
- SYSCO/Louisville Food Services Company Summer Seminars – program approved for 5.5 hours
- 24th Annual Meeting of the ASBS – approved for 20.5 hours for Ciara Halpin
- Counseling Intensive – approved for 6 hours for Rebecca Wright
- Pressure Ulcers – approved for 2 hours for Rebecca Wright
- Pressure Ulcers: An Emerging Public Policy Affair – approved for 1 hour for Rita Bailey
- Pressure Ulcers: An Emerging Public Policy Affair – approved for 1 hour for Amber Hayes
- Benefits of Enteral Nutrition and proper Placement of a Small Bowel Feeding Tube – approved for 1 hour for Kirstin Anderson
- Role of Omega 3 Fatty Acids in Modulation Inflammation: Is it Time for Routine Use
- Are High Protein, Vegetable Based Diets Safe for Kidney Function? – Journal article approved for 2 hours for Susan N. Williams
- Diabetes Update Workshop – approved for 5 hours for Dorothy Galatz
- Kentucky Council on Renal Nutrition Spring 2007 Workshop – approved for 7 hours for Dorothy Galatz
- Louisville District Dietetic Association CMS Guidelines F-314 Pressure Ulcers: Meeting the Mark – approved for 2 hours for Dorothy Galatz
- Louisville District Dietetic Association Development Delays and Nutrition – (1) Autism and (2) Diets and Autism – approved for 2 hours for Dorothy Galatz
- Anemia Management in CKD: Improving Iron Management – approved for 1.5 hours for Dorothy Galatz
- Annual Preceptor and Professional Education Workshop – approved for 5 hours for Suzanne Seeley
- CMS Guidelines F-314 Pressure Ulcers: Meeting the Mark – approved for 2 hours for Suzanne Seeley
- Clinical Dietetics Training in Oncology Nutrition – approved for 16 hours for Betty Simms
- Diabetes Workshop 2007 – approved for 4 hours for Tara Shelton
- Nutrition Care Process – approved for 2 hours for Cynthia Hatcher
- Nutrition Care Process – approved for 2 hours for Donna A. Robertson
- Nutrition Care Process – approved for 2 hours for Dianna F. Maybrier
- Nutrition Care Process – approved for 2 hours for Shirley Lynn Pittman

And to **deny** approval for the following continuing education program(s):

- JCAHO Update – Assessing Competencies – submitted by Suzanne Seeley
- JCAHO Update – Assessing Staff Competencies – submitted by W. Anne Newberry

And to **defer** approval for the following continuing education programs:

- Shoreline Healthcare Management, LLC Nutritional Services – submitted by Candice Hayden – deferred pending receipt of program objectives and timeline of topics

Ms. Gilliam seconded the motion. The motion carried.

Applications for Licensure

Ms. Faith made a motion to **approve** the following applications for licensure: Judith Allen, Mudita Arora, Rodica Petruta Bunaciu, Eileen McKenna Cress, Candice Danielle Hayden, Janifer Lynn Lazarus, Guylene Maurer, Lisa Roberson, Dorothy Shaver, Heather Shrum, LaShandra Thornton, and Michelle D. Zeiger. Ms. Eliassen seconded the motion. The motion carried.

Applications for Reinstatement

Ms. Faith made a motion to **approve** the following applications for reinstatement: Pauline Hunter, Natalie G. Noell, Allyson E. Rehm, Tabitha Turner, and Diane Wood. The motion further stated that the following application(s) for reinstatement be **denied**: Linda Stephens; and the following application(s) be **deferred**: Kristen R. Rudolph. Ms. Gilliam seconded the motion. The motion carried.

Scheduled Meetings

The next meeting will be Wednesday, July 25, 2007 beginning at beginning at 10:00 a.m. at the Division of Occupations and Professions located at 911 Leawood Drive, Frankfort, Kentucky.

Approval for Travel and Per Diem

Ms. Faith made a motion to approve travel and per diem for today's meeting. Ms. Gilliam seconded motion. The motion carried.

Ms. Bentley asked the Board for approval to allow the Board Administrator to attend the FNCE/ADA Conference in Philadelphia, Pennsylvania September 28, 2007 through October 3, 2007. Ms. Bentley indicated that the conference included sessions such as professional leadership and dietetics education requirements updates that she felt would be beneficial to Ms. Kyler. Ms. Faith made a motion that Ms. Kyler and Ms. Bentley both be allowed to attend the conference. Ms. Gilliam seconded the motion. The motion carried.

Adjournment

Ms. Gilliam made a motion that the meeting be adjourned. Ms. Eliassen seconded the motion. Ms. Bentley adjourned the meeting at 4:00 p.m.

Approved:



Cheryl Bentley, Chairperson
Minutes Prepared by
Carolyn Kyler, Board Administrator
May 31, 2007